IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1907 of 2002

Shri P. H. Gabale & ors. ... Petitioner
vs.
Union of India and ors. ..... Respondents

Mr. K. S. Bapat for Petitioner
Mr. A. A. Dube i/b. K. B. Rao for Respondent no.1.
Smt. Neeta Vinay Masurkar for Respondent nos.2 & 3.

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 29/11/2005

P.C.

The Petitioners are holding the post known as Telecom Technical Assistants (TTA). The next promotional post is that of Junior Telecom Officer (JTO). In so far as TTA is concerned, as per the recruitment rules their seniority is based on the marks obtained for the purpose of promotion to JTO in terms of the settlement. There are atleast 4 other categories. Rules framed for promotion to JTO contemplates that length of service would be the basis for sending them for training. It is this explanation in the recruitment rules which is the subject matter of the present challenge.

We have heard learned counsel for the parties. The question is whether the explanation by which the persons coming from different cadres were eligible for

promotion to the post of JTO can be said to be arbitrary and violative of Articles 14 and 16 of the Constitution.

The basis for sending for training is the length of service in each respective cadre. What has been sought to be considered is the length of service as TTA, transmission assistants, telephone inspectors, auto exchange assistants and wireless operators. The main basis is length of service in their respective cadre for preparing the select list. We do not find any violation of the Petitioners fundamental rights. There is no unreasonable classification while sending them for training. Considering the above no case is made out for interference and consequently the petition is rejected.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)